

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

THE UNITED STATES OF AMERICA

v.

CHUNG K. CHOI,
Petitioner.

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CRIMINAL NO.: RDB-12-0066
CIVIL NO.: RDB-16-3985

CONSENT MOTION FOR EXTENSION OF TIME

The United States of America, through its undersigned counsel, and with the consent of Petitioner Chung K. Choi, respectfully requests an extension of 30 days to submit its Response to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, until August 14, 2017. In support of its Motion, the United States says as follows:

1. Choi filed the present motion on December 9, 2016. ECF No. 28.
2. On December 19, 2016, the Court ordered the government to respond to Choi's motion by February 17, 2017. ECF No. 29.
3. The Court has granted the government's consent motions for extensions of its deadline to respond to allow the government to review records provided by Choi supporting his claim under 28 U.S.C. § 2255 that the restitution ordered in his criminal case should be reduced.
4. The government diligently reviewed those records to determine whether the parties can reach a resolution without further litigation. The IRS Criminal Investigations division has now completed that review, and cannot agree at these records warrant a reduction in Choi's restitution at this time. Choi's claim, however, is based in part on a concession made by the IRS Office of Appeals in a parallel proceeding. Given the concession made by the IRS Office of Appeals, however, the government must consult with the IRS to determine its position on the matter before providing a final response to Choi and this Court. The IRS is working

diligently to provide our Office with additional information on their position, but require additional time to do so.

5. Accordingly, the government requests a 30-day extension to the deadline for its response to allow additional time for the IRS to deliberate internally as to its position with respect to the taxes owed by Choi. The government is hopeful that this will be the last extension request that is required.

6. Government counsel has contacted counsel for Choi, who has stated that Choi does not object to the government's extension request.

For the reasons set forth above, the government, with the consent of the Petitioner, respectfully requests a 30-day extension until and including August 14, 2017, to file its response to the Petition.

Respectfully submitted,

Stephen M. Schenning
Acting United States Attorney

/s/

Evan T. Shea
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
410-209-4800

CERTIFICATE OF SERVICE

The government hereby certifies that a copy of the foregoing Government's Consent Motion for an Extension of Time was filed using CM/ECF on July 21, 2017, and served on all parties electronically via that system.

/s/ _____
Evan T. Shea
Assistant United States Attorney